

United States District Court

Eastern District of California

Ira Paul Domingo,

Plaintiff, No. Civ. S-01-2014 LKK PAN P

vs. Order

Kelly Farney, et al.,

Defendants.

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This court set this matter for trial September 13, 2005, after conferring with both parties. September 2, 2005, defendant filed a motion to continue trial until October or November. Counsel states plaintiff opposes the request.

To succeed on the motion, defendant must establish good cause, viz., he cannot be ready for trial despite exercising due diligence. See Fed. R. Civ. P. 16(b); Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992). Defendant's counsel asserts she has been out of the office and

1 has two "high profile" matters that unexpectedly require
2 immediate attention.

3 Defendant fails to show good cause.

4 Accordingly, defendant's September 2, 2005, request is
5 denied.

6 Dated: September 7, 2005.

7 /s/ Peter A. Nowinski
8 PETER A. NOWINSKI
9 Magistrate Judge

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